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11 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 MICHAEL SIMON, individually, and on  
13 behalf of all others similarly situated,

14 Plaintiffs,

15 vs.

16 TOSHIBA AMERICA, INC., a Delaware  
17 corporation, and TOSHIBA AMERICA  
INFORMATION SYSTEMS, INC., a  
California corporation,

18 Defendants.

Case No. C07-06202 MHP

JOINT STIPULATION TO CONTINUE  
LITIGATION DEADLINES; [PROPOSED]  
ORDER THEREON

Honorable Marilyn H. Patel  
Courtroom 15

JOINT STIPULATION TO CONTINUE LITIGATION  
DEADLINES; [PROPOSED] ORDER THEREON

1        WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information  
2 Systems, Inc. ("TAIS") are continuing to explore the possibility of an early resolution of this  
3 matter;

4        WHEREAS, consistent with those efforts, the parties have had numerous discussions,  
5 informally exchanged information, and conducted two in-person meetings;

6        WHEREAS, as a result of those efforts, the parties have recently exchanged settlement  
7 proposals and are currently engaged in settlement negotiations;

8        WHEREAS, the parties have made significant progress toward a settlement-in-principle in  
9 recent weeks;

10       WHEREAS, given and to facilitate the parties' ongoing settlement efforts, and to avoid  
11 the time and expenses associated with full-blown litigation that may become unnecessary, the  
12 parties desire to continue to stay the litigation activity in this case and further continue TAIS's  
13 deadline to respond to the Complaint and the Rule 26 Joint Report for two weeks;

14       WHEREAS, if the parties are able to reach an early resolution of this action, they may  
15 seek to further extend the litigation deadlines, subject to Court approval;

16       WHEREAS, the parties will prepare and file a Joint Status Conference Statement with the  
17 Court no later than June 30, 2008, and report the settlement progress to the Court at the currently  
18 scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

19       NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY  
20 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS on the other  
21 hand, by and through their respective undersigned counsel, as follows:

22       1.       The parties will file a Joint Status Conference Statement with the Court no later  
23 than June 30, 2008, and report the status of the ongoing settlement negotiations at the currently  
24 scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

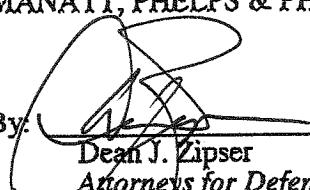
25       2.       The deadline for TAIS to file and serve its initial response to the First Amended  
26 Complaint shall be extended to and including July 10, 2008;

27       3.       The deadline for the parties to submit the Rule 26 Joint Report shall be extended to  
28 and including July 14, 2008;

1           4. This Stipulation may be executed in counterparts, each of which shall be deemed  
2 an original, but both of which, when taken together, shall constitute one and the same instrument.  
3 Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the  
4 parties hereto and the Court as though they were original signature pages.

5           Dated: June 25, 2008

6           DEAN J. ZIPSER  
7           ADINA L. WITZLING  
8           MANATT, PHELPS & PHILLIPS, LLP

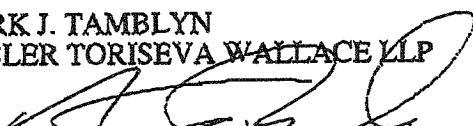
9           By: 

10           Dean J. Zipser  
11           Attorneys for Defendant  
12           TOSHIBA AMERICA INFORMATION  
13           SYSTEMS, INC.

14           Dated: June       , 2008

15           STUART C. TALLEY  
16           KERSHAW, CUTTER & RATINOFF LLP

17           MARK J. TAMBLYN  
18           WESLER TORISEVA WALLACE LLP

19           By: 

20           Stuart C. Talley  
21           Attorneys for Plaintiff MICHAEL SIMON

22           ORDER

23           Based on the foregoing stipulation of the parties and good cause appearing therefor:

24           1. The parties will file a Joint Status Conference Statement with the Court no later  
25           than June 30, 2008, and report the status of the ongoing settlement negotiations at the currently  
26           scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

27           2. The deadline for TAIS to file and serve its initial response to the First Amended  
28           Complaint shall be extended to and including July 10, 2008;

29           3. The deadline for the parties to submit the Rule 26 Joint Report shall be extended to  
30           and including July 14, 2008.

31           IT IS SO ORDERED:

32           Dated:                           , 2008

33           By:                             
34           Honorable Marilyn H. Patel

35           3           JOINT STIPULATION TO CONTINUE LITIGATION  
36           DEADLINES; [PROPOSED] ORDER THEREON